

MINUTES
REGULAR MEETING OF THE KENTUCKY BOARD OF CHIROPRACTIC
Friday, March 23, 2018
209 South Green Street
Glasgow, KY

PRESENT: Jeff Smith, D.C., President
Chad Henderson, D.C., Vice-President
Terri Byers Abston, D.C., Secretary
James England, D.C., Member
Kelly Cooper Henson, D.C., Member
Karalee P. Oldenkamp, D.C., Executive Director
M. Keith Poynter, Board General Counsel

A quorum being present and after confirmation of proper notification of the Board meeting, the meeting was called to order by the President at 9:00 a.m. prevailing time.

ITEM I: MINUTES

A motion was made by Dr. Abston, seconded by Dr. Henderson and passed 5-0 to approve the minutes of the January 26, 2018 board meeting.

ITEM II: FINANCIAL REPORTS

A motion was made by Dr. England, seconded by Dr. Henderson and passed 5-0 to approve the financial reports for January and February 2018.

ITEM III: BOARD OFFICE REPORT

The Board reviewed the Board Office Report and a motion was made by Dr. Abston, seconded by Dr. Henderson and passed 5-0 to accept the report.

ITEM IV: ADMINISTRATIVE CASE 14-011

No action was necessary at this time. The licensee is not participating in the pre-hearing conference calls, so Board Counsel will be filing a Recommended Order of Dismissal which if accepted will suspend the license and close the case.

ITEM V: ADMINISTRATIVE CASE 14-027

This case is continued.

ITEM VI: ADMINISTRATIVE CASES 15-037/17-024

Board members discussed days available for a hearing. This case is continued pending a hearing date to be set.

ITEM VII: ADMINISTRATIVE CASE 16-005

This case is continued.

ITEM VIII: MOTION FOR CLOSED SESSION

A motion was made by Dr. England, seconded by Dr. Henderson and passed 5-0 to go into closed session to discuss administrative cases 16-018, 17-023A, 17-032, and 17-030 pursuant to KRS 61.810 (1)(j).

ITEM IX: MOTION FOR OPEN SESSION

A motion was made by Dr. England, seconded by Dr. Henderson and passed 5-0 to go into open session. A second motion was made by Dr. England, seconded by Dr. Abston and passed 5-0 to accept the recommendations of the Board for the following administrative cases: 16-018 no action taken at this time; 17-023A the proposed agreed order shall be accepted for settlement of the case; 17-032 the licensee shall be requested to attend the next scheduled meeting and the investigator shall go to inspect the office; 17-030 the case shall be dismissed and upon consent from the patient, the records shall be released to the Federal Drug Administration.

**ITEM X: REGULATION AMENDMENTS
RE: ONLINE EDUCATION**

The Board reviewed information concerning regulation amendments. Dr. Paul Powers with Chirocredit.com addressed the board concerning acceptance of online continuing education. The Board reviewed current proposed legislation. No action was taken.

ITEM XI: MOTION TO AMEND THE AGENDA

A motion was made by Dr. England, seconded by Dr. Henderson and passed 5-0 to amend the agenda to allow Ben Weigel, attorney, to address the Board on behalf of his clients in administrative cases 18M-001, 18-004, the suspension of Dr. Anthony Sears, and correspondence concerning Drs. Starnes and Medina. Mr. Weigel addressed the Board concerning each case.

ITEM XII: MOTION FOR CLOSED SESSION

A motion was made by Dr. Henderson, seconded by Dr. Abston and passed 5-0 to go into closed session to discuss administrative cases 18M-001, 18-004, the suspension of Dr. Anthony Sears, and correspondence concerning Drs. Starnes and Medina pursuant to KRS 61.810 (1)(j).

ITEM XIII: MOTION FOR OPEN SESSION

A motion was made by Dr. Henderson, seconded by Dr. Henson and passed 5-0 to go into open session. A second motion was made by Dr. Abston, seconded by Dr. England and passed 5-0 to accept the recommendations of the Board for the following administrative cases: 18M-001 shall be dismissed; 18-004 shall be dismissed; Dr. Sears shall be offered restoration of his license upon the terms discussed, which if accepted shall allow Dr. Sears to apply for restoration beginning May 1, 2018; concerning issues regarding Drs. Nick Starnes and Carmen Medina, a letter allowing the licensees 20 days to respond shall be sent to the licensees regarding the advertising issues which have been brought to the attention of the board. The issues and their response shall be reviewed at the next scheduled board meeting.

ITEM XIV: MOTION TO RESUME AGENDA

A motion was made by Dr. England, seconded by Dr. Henderson and passed 5-0 to resume the agenda.

ITEM XV: CONSIDER REGULATION AMENDMENTS

RE: CORRESPONDENCE FROM ATTORNEY GENERAL

The Board considered correspondence from Attorney General Andy Beshear concerning a request made to review KRS 312 and 201 KAR Chapter 21 for purposes of allowing a chiropractic student clinic in Kentucky. A motion was made by Dr. Henderson, seconded by Dr. England and passed 5-0 to respond to the Attorney General that the Board feels it would be necessary to add language to KRS 312.018 to allow for students currently enrolled in doctor of chiropractic education programs, and make necessary changes to 201 KAR 21:085 (7) (b).

ITEM XVI: MOTION FOR CLOSED SESSION

A motion was made by Dr. Henson, seconded by Dr. Henderson and passed 5-0 to go into closed session to discuss administrative cases 18-001 and 18-002 pursuant to KRS 61.810 (1)(j).

ITEM XVII: MOTION FOR OPEN SESSION

A motion was made by Dr. Abston, seconded by Dr. Henson and passed 5-0 to go into open session. A second motion was made by Dr. Abston, seconded by Dr. Henderson and passed 5-0 to accept the recommendations of the Board for the following administrative cases: 18-001 more information shall be requested; 18-002 more information shall be requested.

ITEM XVIII: LICENSE RENEWAL APPLICATION FOR REVIEW

RE: GARY KOMPOTHECRAS, D.C.

The Board reviewed the 2018 active license renewal application submitted by Dr. Kompothecras. No action was necessary.

ITEM XIX: LICENSE RENEWAL APPLICATION FOR REVIEW

RE: HEATHER LEIGH WILSON, D.C.

The Board reviewed the 2018 active license renewal application submitted by Dr. Wilson. A case number shall be assigned and a letter mailed to Dr. Wilson to instruct her to notify the board within ten days of any action in this case.

ITEM XX: LICENSE RENEWAL HARDSHIP REQUEST

RE: TED K. MURPHY, D.C.

The Board reviewed the renewal application and supporting hardship documents from Dr. Murphy. A motion was made by Dr. Abston, seconded by Dr. England and passed 5-0 to grant his request for hardship.

ITEM XXI: LICENSE RENEWAL HARDSHIP REQUEST

RE: MELISSA DEHART, D.C.

The Board reviewed the renewal application and supporting hardship documents from Dr. DeHart. A motion was made by Dr. Henderson, seconded by Dr. Henson and passed 5-0 to grant her request for hardship.

ITEM XXII: LICENSE RENEWAL LATE FEE REFUND REQUEST

RE: DANIEL W. ROBINSON, D.C.

The Board reviewed the renewal application and request for a late fee refund from Dr. Robinson. A motion was made by Dr. Abston, seconded by Dr. Henderson and passed 5-0 to deny his request.

ITEM XXIII: CORRESPONDENCE RE: STEM CELL USAGE

The Board reviewed questions concerning a chiropractor giving marketing presentations for stem cell treatments, but not participating in the prescribing or administration. A motion was made by Dr. England, seconded by Dr. Abston and passed 5-0 to respond that the chiropractor may participate in marketing, but cannot practice outside of their scope of practice as outlined in KRS 312.

ITEM XXIV: CONSIDER INFORMATION RE: JEREMY STORMS, D.C.

The Board reviewed information concerning Jeremy Storms, D.C. A motion was made by Dr. England, seconded by Dr. Henderson and passed 5-0 to initiate an administrative case and send the Board's investigator to interview the witnesses and previous employer for review at the next scheduled board meeting.

ITEM XXV: ADVERTISEMENT FOR REVIEW

The Board reviewed advertisements concerning a weight loss clinic operated by chiropractors. A letter shall be mailed to each licensee requesting additional information to be reviewed at the next scheduled board meeting.

ITEM XXVI: TRAVEL AND PER DIEM

A motion was made by Dr. Abston, seconded by Dr. Henderson and passed 5-0 to approve the travel expenses and per diems relating to today's meeting.

ITEM XXVII: ADJOURNMENT

There being no further business to come before the Board, upon motion made by Dr. Abston, seconded by Dr. Henderson and passed 5-0, the meeting was adjourned.

Respectfully submitted:

ATTESTED:

Karalee P. Oldenkamp, D.C.
Executive Director

Jeffery T. Smith, D.C.
President